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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,663	01/20/2004	Makoto Soga	9683/164	3415

7590 01/04/2007
Brinks Hofer Gilson & Lione
NBC Tower, Suite 3600
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EXAMINER

REGO, DOMINIC E

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/761,663	Applicant(s) SOGA ET AL.	
	Examiner Dominic E. Rego	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/06, 7/15/04, and 6/07/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Yabe et al. (US Patent Application Publication #2003/0013458).

Regarding claim 1, Yabe teaches a communication system comprising:

a first mobile communication network (*Paragraph 0006: Yabe teaches the relay center being connected to a first network*);

a second mobile communication network for providing to a mobile unit of a user under a contractual agreement with said second mobile communication network a roaming service via said first mobile communication network (*Paragraph 0006: Yabe teaches the relay center being connected to a first network and a second network which inherently has a roaming service if the phone requesting data from the out of area or other countries*) and

a contents server for transmitting to a mobile unit contents via said second mobile communication network, or via said second mobile communication network and said first mobile communication network (*Paragraphs 0006, 0036-0037: Yabe teaches relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server, and transmitting, by the relay center, information acquired in the proxy retrieval step to the mobile station*)

wherein said second mobile communication network comprising:

data relaying means for receiving a data signal addressed to said contents server and transmitted from a mobile unit, and transmitting to said contents server the received data signal (*Paragraphs 0006 and 0011: Yabe teaches the information retrieval method of (a) acquiring, in a relay center, location information corresponding to a mobile station, the relay center being connected to a first network and a second network including the mobile station, (b) a step of converting, in the relay center, location information acquired in the acquiring step into a character string, (c) a step of proxy retrieval in which the relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server*);

storage means for storing contents identification information identifying contents which are designated not to be transmitted to a mobile unit in said first mobile communication network and can be transmitted from said contents server (*Paragraphs 0004, 0007, 0033, 0040, 0055, 0067*); and

rejection means for rejecting a request for any one of contents denoted by contents identification information stored in said storage means, contained in a data signal which is received by said data relaying means, addresses to said contents server and transmitted from a mobile unit in said first mobile communication network

(Paragraph 0067: Yabe teaches in a case that the corresponding location-related information does not exist, a determination in step Sb6 in FIG. 8 becomes "No". In which case, data distribution management unit GWS3 transmits to mobile station MS (step Sb9 in FIG. 8) the fact that the corresponding location-related information does not exist. As a result, a message such as "corresponding information is not found" or the like is displayed in liquid crystal display unit MS4 of mobile station MS).

Regarding claim 2, Yabe teaches a relaying unit which is installed in a mobile communication network for providing to a mobile unit of a user under a contractual agreement with a network in which said relaying unit is provided, a roaming service via another mobile communication network *(Paragraph 0006: Yabe teaches the relay center being connected to a first network and a second network which inherently has a roaming service if the phone requesting data from the out of area or other countries),* said relaying unit comprising:

data relaying means for receiving a data signal transmitted from a mobile unit and addressed to a contents server which provides a contents transmission service, and transmitting to said contents server the received data signal *(Paragraphs 0006 and 0011: Yabe teaches the information retrieval method of (a) acquiring, in a relay center,*

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location information corresponding to a mobile station, the relay center being connected to a first network and a second network including the mobile station, (b) a step of converting, in the relay center, location information acquired in the acquiring step into a character string, (c) a step of proxy retrieval in which the relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server); and

addition means for adding certain identification information to a data signal received from a mobile unit in said another mobile communication network and transmitted to said contents server by said relaying means (Paragraphs 0006-0007, 0033, 0040, 0055, 0067).

Regarding claim 3, Yabe teaches a relaying unit which is provided in a mobile communication network for providing to a mobile unit of a user under a contractual agreement with a network in which said relaying unit is provided, a roaming service via another mobile communication network (*Paragraph 0006: Yabe teaches the relay center being connected to a first network and a second network which inherently has a roaming service if the phone requesting data from the out of area or other countries*), said relaying unit comprising:

data relaying means for receiving a data signal transmitted from a mobile unit and addressed to a contents server which provides a contents transmission service, and transmitting to said contents server the received data signal (*Paragraphs 0006 and 0011: Yabe teaches the information retrieval method of (a) acquiring, in a relay center,*

location information corresponding to a mobile station, the relay center being connected to a first network and a second network including the mobile station, (b) a step of converting, in the relay center, location information acquired in the acquiring step into a character string, (c) a step of proxy retrieval in which the relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server);

storage means for storing contents identification information identifying contents which are designated not to be transmitted to a mobile unit in said another mobile communication network and can be transmitted from said contents server (Paragraphs 0004, 0007, 0033, 0040, 0055, 0067); and

rejection means for rejecting a request for any one of contents denoted by contents identification information stored in said storage means, contained in a data signal which is received by said data relaying means, addresses to said contents server and transmitted from a mobile unit in said another mobile communication network
(Paragraph 0067: Yabe teaches in a case that the corresponding location-related information does not exist, a determination in step Sb6 in FIG. 8 becomes "No". In which case, data distribution management unit GWS3 transmits to mobile station MS (step Sb9 in FIG. 8) the fact that the corresponding location-related information does not exist. As a result, a message such as "corresponding information is not found" or the like is displayed in liquid crystal display unit MS4 of mobile station MS).

Regarding claim 4, Yabe teaches a contents server comprising:

contents transmission means for receiving a data signal transmitted from a mobile unit via a mobile communication network, and transmitting contents to said mobile unit in response to a request contained in said data signal (*Paragraphs 0006, 0036-0037, 0043: Yabe teaches relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server, and transmitting, by the relay center, information acquired in the proxy retrieval step to the mobile station*); and

detection means for detecting whether a data signal received by said contents transmission means is attached with identification information showing that said data signal is transmitted from a mobile unit in a mobile communication network which is not a mobile communication network to which said server is connected (*Paragraphs 0004, 0007, 0033, 0040, 0055, 0067 and figure 1*),

wherein said contents transmission means, when said detection means detects that said data signal is attached with said identification information, transmits to a mobile unit which transmits said data signal notification that requested contents cannot be transmitted (*Paragraphs 0004, 0007, 0033, 0040, 0055, 0067: Yabe teaches if the corresponding location-related information does not exist, the data distribution management unit GWS3 transmit to the mobile station a message "corresponding information is not found"*).

Regarding claim 5, Yabe teaches a contents server comprising:

contents transmission means for receiving a data signal transmitted from a mobile unit via a mobile communication network, and transmitting contents to said mobile unit in response to a request contained in said data signal (*Paragraphs 0006, 0036-0037, 0043: Yabe teaches relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server, and transmitting, by the relay center, information acquired in the proxy retrieval step to the mobile station*); and

detection means for detecting whether a data signal received by said contents transmission means is attached with identification information showing that said data signal is transmitted from a mobile unit in a mobile communication network which is not a mobile communication network to which said server is connected (*Paragraphs 0004, 0007, 0033, 0040, 0055, 0067: Yabe teaches if the corresponding location-related information does not exist, the data distribution management unit GWS3 transmit to the mobile station a message "corresponding information is not found"*),

wherein said contents transmission means, when said detection means detects that said data signal is attached with said identification information, transmits to a mobile unit which transmits said data signal, proxy contents for substituting said contents (Paragraph 0068).

Regarding claim 6, Yabe teaches a contents server comprising:

contents transmission means for receiving a data signal transmitted from a mobile unit via a mobile communication network, and transmitting contents to said

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mobile unit in response to a request contained in said data signal (*Paragraphs 0006, 0036-0037, 0043: Yabe teaches relay center instructs a server connected to the first network to search for information relating to the character string and acquires information from the server, and transmitting, by the relay center, information acquired in the proxy retrieval step to the mobile station*); and

detection means for detecting whether a data signal received by said contents transmission means is attached with identification information for identifying an area served by a mobile communication network to which said mobile unit belongs, or with identification information for identifying a mobile communication network itself to which said mobile unit belongs (*Paragraphs 0042-0043, 0046, 0048-0051*),

wherein said contents transmission means, when said detection means detects that said data signal is attached with said identification information, transmits contents in accordance with said identification information to said mobile unit (*Paragraphs 0055-0056, 0063-0067*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaguchi (US Patent #6871065) teaches mobile communication system, mobile communication method and mobile communication program.

Nitta (US Patent Application Publication #2002/0107006) teaches mobile station and communication system.

Yamamoto et al. (US Patent Application Publication #2005/0102422) teaches transfer device.

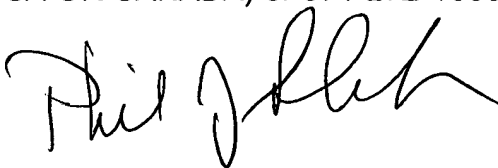
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego



PHILIP J. SOSNITKA
PATENT EXAMINER